

ORDINANCE _____

AN ORDINANCE amending Seattle Municipal Code Chapters 23.55, 23.84 and 15.12 to authorize sign kiosks, to define public signs and to provide for appeals of denials of sign permits.

WHEREAS, The purposes of the Sign Code are to allow signs that invite rather than demand the public's attention, to encourage the use of signs that enhance the visual environment of the city, and to protect the public interest and safety; and

WHEREAS, The Sign Code authorizes signs that are in the public interest, such as on-premises signs; and

WHEREAS, Allowing additional messages, including noncommercial messages and off-premises messages, on sign kiosks will promote the public interest by allowing new opportunities for communication within the community where a sign kiosk is located on matters of interest to that community; and

WHEREAS, The impacts of sign kiosk structures and signs on them as traffic hazards and as visual blight will be limited by regulating the size and location of the structures and the messages on them and by regulating the structures' location and lighting; and

WHEREAS, The impact of sign kiosks as visual blight will be limited by regulating the zoning where they may be located and by requiring the structural design to be consistent with principles approved by the Seattle Design Commission; and

WHEREAS, sign kiosks are likely to be effective in promoting community communication because many communities have demonstrated support for them in their neighborhood plans and have made requests for siting sign kiosks in their community;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.12.010 A of the Seattle Municipal Code is amended as follows:

SMC 15.12.010A

A. All signs in public places and their supports shall be reviewed as to structural strength and quality of materials and for conformance to all applicable ordinances by the Director of the Department of Design, Construction and Land Use, except for sign kiosks in public rights of way, which shall be reviewed by Seattle Transportation.

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Section 2. Findings. The Council makes the legislative findings set out in Attachment 1 in support of this amendment to the Sign Code.

Section 3. Section 23.55.001 of the Seattle Municipal Code is amended to read as follows:
SMC 23.55.001 Intent.

The intent of the standards in this chapter is:

- A. To encourage the design of signs that attract and invite rather than demand the public's attention, and to curb the proliferation of signs;
- B. To encourage the use of signs that enhance the visual environment of the city;
- C. To promote the enhancement of business and residential properties and neighborhoods by fostering the erection of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings;
- D. To protect the public interest and safety; ~~and~~
- E. To protect the right of business to identify its premises and advertise its products through the use of signs without undue hindrance or obstruction; and
- F. To provide opportunities for communicating information of community interest.

Section 4. Section 23.55.014 of the Seattle Municipal Code is amended to read as follows:

SMC 23.55.014 Off-premises signs.

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H. The provisions of this section do not apply to sign kiosks.

Section 5. A new section, 23.55.015, is added to the Seattle Municipal Code, to read as follows:

23.55.015 Sign Kiosks and Community Bulletin Boards

A. Sign kiosks. Sign kiosks are permitted in all zones, except single family residential zones and multifamily residential zones, provided that a sign kiosk may abut a park or playground at least one acre in size, or publicly owned community center in all zones. Sign kiosks are not permitted within fifty(50) feet of a single family residential zone or multifamily residential zone.

B. Sign kiosks in the public right of way. Sign kiosks that are located in the public right of way must obtain a street use permit from Seattle Transportation and are subject to the requirements, conditions and procedures set out in SMC Chapter 15. Seattle Transportation shall review an application for a sign kiosk in the public right of way for compliance with the provisions of this chapter. The street use permit issued by Seattle Transportation shall serve as the required sign permit.

C. Development Standards for Sign Kiosks.

1. Design and construction.

a. The design of any sign kiosk shall comply with the design principles for sign kiosks approved by the Seattle Design Commission, or shall be reviewed and recommended by the Commission.

b. The design of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation for aesthetic compatibility with existing signs and the design of the park, playground or community center.

c. The design of any sign kiosk in a special review district established in SMC chapter 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed and must be approved by the board for that district for compliance with the standards of that district.

d. The sign kiosk shall be in sections with maximum dimensions of seven (7) feet high, three (3) feet wide measuring from the centers of the supporting posts on either side of the sections, and six (6) inches deep, with a maximum of 4 sections. The Seattle Design Commission may approve a different style or different dimensions, which shall not exceed the maximum total size set out above.

e. Lights, changing image signs, message board signs, and video signs shall not be placed on any part of a sign kiosk that is visible from the street. Flashing signs and chasing signs are prohibited on any part of a kiosk. Any lighting fixtures used within kiosks or used externally to illuminate kiosks shall be fully shielded. The maximum illumination level at the kiosk shall be five (5) foot-candles (fc) maintained at ground level.

f. Materials used in constructing sign kiosks shall minimize reflective glare from natural or artificial illumination.

g. The design of any kiosk structure shall not be likely to be mistaken for any traffic control device and shall comply with SMC 11.50.500 to .560.

h. All sign kiosks shall be designed, constructed and maintained in accordance with SMC chapter 22, section 3204, the Seattle Building Code provisions governing signs.

2. Location.

a. The location of any sign kiosk shall comply with the location standards set out in the rules of Seattle Transportation, including without limitation rules for line of sight at intersections, compatibility with traffic control signs and other right of way uses, parking and pedestrian safety, and access to adjacent and abutting property.

b. The location of any sign kiosk adjacent to a park, playground or publicly owned community center shall also be reviewed and must be approved by the Seattle Department of Parks and Recreation as not conflicting with or distracting from existing signs of the park, playground or community center.

c. The location of any sign kiosk in a special review district established in SMC chapters 23.66, 25.16, 25.20, 25.22, and 25.24 shall also be reviewed by and must be approved by the board for that district for compliance with the standards of that district.

d. Sign kiosks shall be located in compliance with SMC 23.55.042 and chapters 23.60.

e. Sign kiosks that are not located in the public right of way shall be located so that they are accessible for posting and reading by the public at all times.

3. Dispersion.

a. Not more than a total of five (5) sign kiosks are permitted when counting both sides of street within a linear distance of two thousand six hundred four feet (2640 feet, ½ mile).

b. There shall be minimum distance of three hundred linear feet (300 feet) between sign kiosks on the same side of the street; a maximum of two (2) sign kiosks within 300 linear feet (300 feet) when counting both sides of the street; and a minimum distance of one hundred radial feet (100 feet) between sign kiosks.

D. Standards for Posting Signs on Sign Kiosks.

1. All members of the public may post signs on sign kiosks.

2. No one may (1) sell, (2) rent, or (3) reserve or transfer for consideration posting space on a sign kiosk. Posting a sign on sign kiosk does not create a transferable right.

3. Signs on the sign kiosk may be noncommercial messages or commercial messages. Graffiti is prohibited on sign kiosks. The sign kiosk permit holder shall designate one quarter of the total posting area and may designate up to one third of the total posting area of a sign kiosk for posting only non-commercial signs.

4. In addition to any standards set out in City ordinances or rules, in policies adopted by City departments and posted on the sign kiosk, and in contracts with the City of Seattle for sign kiosks, all signs and displays posted on sign kiosks shall comply with the following standards:

a. The maximum size of any sign shall be 8 ½ inches by 14 inches.

b. Each person may post, or have posted on his/her behalf, one sign on each sign kiosk. Signs with commercial messages must include the name of the person posting the sign or causing the sign to be posted.

c. Signs shall not be posted in a manner that creates the appearance of a sign larger than 8 ½ inches by 14 inches.

d. Signs shall show the date they are posted and shall be removed within fifteen (15) days of posting or the day after the event announced, whichever is first.

e. The design of any posting shall not be likely to be mistaken for any traffic control device and shall comply with SMC 11.50.500 to .560.

5. The sign posting standards set out in subsections 1, 2, 3 and 4 shall be affixed to the kiosk.

6. The City of Seattle may post a map of the area and historical information on any kiosk.

E. Sign Kiosks Previously Erected. The Council finds that the sign kiosks erected before the effective date of this ordinance that are listed on Attachment 2 are consistent with the policies for allowing sign kiosks and reasonably further the objectives of promoting traffic safety, aesthetics, and community communication. As a result, they are lawful signs. All postings on these sign kiosks shall comply with the requirements of this section. Any alteration of these sign kiosks or their location shall comply with the requirements of this section.

Section 6. Section 23.55.020 subsection G of the Seattle Municipal Code is amended to read as follows:

SMC 23.55.020 Signs in single-family zones.

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G. Off-premises signs shall not be permitted, except that:

1. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted;

2. One (1) residential district identification wall or ground sign per entrance meeting the standards of Section 23.55.014 shall be permitted.

3. Sign kiosks are not permitted, except when the sign kiosk abuts a park, playground or community center and complies with Section 23.55.015.

Section 7. Section 23.55.022 subsection I of the Seattle Municipal Code is amended to read as follows:

SMC 23.55.022 Signs in multi-family zones.

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I. Off-premises signs shall not be permitted, except that:

1. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted;
2. One (1) residential district identification, wall or ground sign per entrance meeting the standards of Section 23.55.014 shall be permitted.
3. Sign kiosks are not permitted, except when the sign kiosk abuts a park, playground or community center and complies with Section 23.55.015.

Section 8. Section 23.55.024 of the Seattle Municipal Code is amended to read as follows:

SMC 23.55.024 Signs in residential commercial (RC) zones.

A. The standards of this section shall apply only to signs for business establishments permitted on the ground floor or below in RC zones. The standards for multi-family zones, Section 23.55.022 shall apply to all other signs in RC zones.

B. Ground-floor business establishments may have one (1) electric or nonilluminated wall sign per street frontage, located on the commercial portion of the structure.

C. Maximum total area of sign faces per business establishment shall be one hundred seventy (170) square feet, and the maximum area of any single sign face shall be eighty-five (85) square feet.

D. The maximum height of any portion of a sign for a business establishment shall be fifteen feet (15').

E. Sign kiosks as provided in Section 23.55.015 are permitted.

Section 9. Section 23.55.028 subsection E of the Seattle Municipal Code is amended to read as follows:

SMC 23.55.028 Signs in NC1 and NC2 zones.

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E. Off-premises Signs. Off-premises signs shall not be permitted, except that:

1. Each business district may have two (2) identifying ground, pole, wall or projecting signs which may list businesses located in the district. The identifying signs shall not be located in a residential zone, and shall meet the standards of Section 23.55.014, Off-premises signs.

2. One (1) residential district identification wall or ground sign per entrance, meeting the standards of Section 23.55.014, shall be permitted.

3. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted. Off-premises directional signs five (5) square feet or less in area shall not be counted in sign size or number limits.

4. Sign kiosks as provided in Section 23.55.015 are permitted.

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Section 10. Section 23.55.030 subsection E of the Seattle Municipal Code is amended to read as follows:

SMC 23.55.030 Signs in NC3, C1 and C2 zones.

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E. Off-Premises Signs.

1. Identifying Signs for Business Districts. Each business district may have up to two (2) identifying ground, pole, wall or projecting signs which may list businesses located in the district. The identifying signs shall not be located in a residential zone, and shall meet the standard of Section 23.55.014, Off-premises signs.

2. One (1) residential district identification wall or ground sign per entrance, meeting the standards of Section 23.55.014, shall be permitted.

3. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

4. Off-premises directional signs and advertising signs, in addition to those permitted by subsections E1, E2 and E3 of this section, shall be permitted according to Section 23.55.014, Off-premises signs.

5. Advertising signs are prohibited in Neighborhood Commercial 3 zones and in the Seattle Cascade Mixed (SCM) zone.

6. Sign kiosks as provided in Section 23.55.015 are permitted.

Section 11. Section 23.55.034 subsection E of the Seattle Municipal Code is amended to read as follows:

SMC 23.55.034 Signs in downtown zones.

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E. Off-premises Signs.

1. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

2. Off-premises directional signs and advertising signs, in addition to those permitted by subsection E1, shall be permitted according to Section 23.55.014.

3. Advertising signs are prohibited in Downtown Mixed Residential/Residential (DMR/R) zones.

4. Sign kiosks as provided in Section 23.55.015 are allowed in downtown zones.

Section 12. Section 23.55.036 subsection E of the Seattle Municipal Code is amended to read as follows:

SMC 23.55.036 Signs in IB, IC, IG1 and IG2 zones.

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E. Off-premises Signs.

1. Identifying Signs for Business Districts. Each business district may have up to two (2) identifying ground, pole, wall, or projecting signs which may list businesses located in the district. The identifying signs shall not be Off-premises signs.

2. When accessory parking is provided on a lot other than the lot where the principal use is located, off-premises directional signs five (5) square feet or less in area identifying the accessory parking shall be permitted.

3. Off-premises directional signs and advertising signs, in addition to those permitted by subsections E1, E2, and E3 shall be permitted according to Section 23.55.014 Off-premises signs.

4. Sign kiosks as provided in Section 23.55.015 are permitted.

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Section 13. A new section 23.55.050 is added to chapter SMC 23.55 of the Seattle Municipal Code as follows:

Part 3 Appeals

SMC 23.55.050 Appeals to Municipal Court. If a person asserts a noncommercial speech right protected by the First Amendment of the United States Constitution and/or Article I, Sections 3, 4, and 5 of the Washington Constitution, and is aggrieved by an action of the City in denying or enforcing a permit or in removing a sign, and time be of the essence, the person may petition the presiding judge of the Seattle Municipal Court for a prompt review thereof. The matter shall be granted priority as a case involving constitutional liberties and shall be heard in the manner provided by the Municipal Court by rule, and the decision of the Municipal Court shall be final subject only to judicial review.

Section 14. Section 23.69.021 subsection E of the Seattle Municipal Code is amended as follows:

SMC 23.69.021

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E. Off premises sign shall not be permitted, except for sign kiosks.

Section 15. Section 23.84.036 of the Seattle Municipal Code is amended to add two new sections:

“Sign kiosk” means a small freestanding sign structure visible to the public used for posting small signs.

“Sign, public” means a sign in the right of way that is at least partially funded by public funds and is intended to carry messages of interest to the public.

Section 16. Not later than 15 months after the effective date of this ordinance the Department of Neighborhoods, Seattle Transportation, and the Department of Design, Construction and Land Use, with the assistance of Council legislative staff and the City Attorney, shall prepare a report

to the Council on the impact and effectiveness of sign kiosks during the first 12 months of this ordinance.

Section 17. The several provisions of this ordinance are declared to be separate and severable, and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances. The Council intends to maintain the Sign Code in order to continue to promote the purposes for which it was adopted, and if the amendments in this ordinance render the Sign Code invalid in any respect, then the Council intends the Sign Code to remain in effect as if this ordinance had not been adopted.

Section 18. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2001, and signed by me in open session in authentication of its passage this ____ day of _____, 2001.

President of the City Council

Approved by me this ____ day of _____, 2001.

Paul Schell, Mayor

Filed by me this ____ day of _____, 20____.

City Clerk

(SEAL)